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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,392	03/28/2001	Ronald S. Kubick	85CF-00125	3350
23465 7590 10/20/2008 JOHN S. BEULICK C/O ARMSTRONG TEASDALE, LLP ONE METROPOLITAN SQUARE SUITE 2600 ST LOUIS, MO 63102-2740				
EXAMINER HAMILTON, LALITA M				
ART UNIT 3691		PAPER NUMBER		
NOTIFICATION DATE 10/20/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USpatents@armstrongteasdale.com

Office Action Summary

Application No.

09/681,392

Applicant(s)

KUBICK ET AL.

Examiner

Lalita M. Hamilton

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-12, 14, 15, 17-48, 50-55 and 62-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-12, 14, 15, 17-48, 50-55 and 62-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/3508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

On September 4, 2007, an Office Action was sent to the Applicant rejecting claims 1-2, 4-48, 50-56, and 62-63). On July 2, 2008, the Applicant responded by amending claims 1-2, 14, 23, 30, 44, 50, and 62; canceling claims 3, 13, 16, 49, and 56-61; and adding new claims 64-65.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1- 2, 4-12, 14-15, 17-48, 50-55 and 62-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (7,085,735) in view of Vargas (2002/00416187).

Hall discloses the invention substantially as claimed; however, Hall does not disclose for a plurality of different types of business transactions including a commercial financing and a merger and acquisition, the transactional data including a first set of

data and a second set of data, wherein the first data set identifies data required to complete each of the plurality of different types of business transactions, and the second data set identifies a person or a tool recommended for collecting the data required to complete each of the plurality of different types of business transactions, automatically identifying data to be collected during the due diligence to generate each standard documentation file to complete the inputted business transaction, each standard documentation file includes a plurality of documents associated with at least one part of the business transaction, wherein said automatically identifying data is based on the first data set stored in the database for the type of business transaction corresponding with the inputted business transaction; storing transactional data in the database further comprises storing a knowledge base in the database, wherein the knowledge base includes a first data set identifying data required to complete each of the plurality of different types of business transactions, a second data set identifying a person or a tool recommended for collecting the data required to complete each of the plurality of different types of business transactions, and a third data set corresponding to the standard documentation file such that said automatically identifying data to be collected and said automatically identifying at least one data collector to collect the identified data are based on the stored knowledge base; or storing a knowledge base in the database further comprises storing a knowledge base in the database, wherein the knowledge base further includes a fourth data set identifying a timing for collecting the data identified to complete each of the plurality of different types of business transactions, wherein the timing includes which data points included within the data

identified for collection are to be collected before other data points included within the data identified for collection. Vargas teaches automation comprising for a plurality of different types of business transactions including a commercial financing, a merger and acquisition, and a real estate transaction, the transactional data including a first set of data and a second set of data, wherein the first data set identifies data required to complete each of the plurality of different types of business transactions, and the second data set identifies a person or a tool recommended for collecting the data required to complete each of the plurality of different types of business transactions, automatically identifying data to be collected during the due diligence to generate each standard documentation file to complete the inputted business transaction, each standard documentation file includes a plurality of documents associated with at least one part of the business transaction, wherein said automatically identifying data is based on the first data set stored in the database for the type of business transaction corresponding with the inputted business transaction (para.7-8, 10-11, 35-40 and 90-93); storing transactional data in the database further comprises storing a knowledge base in the database, wherein the knowledge base includes a first data set identifying data required to complete each of the plurality of different types of business transactions, a second data set identifying a person or a tool recommended for collecting the data required to complete each of the plurality of different types of business transactions, and a third data set corresponding to the standard documentation file such that said automatically identifying data to be collected and said automatically identifying at least one data collector to collect the identified data are

based on the stored knowledge base (para.7-8, 10-11, 35-40 and 90-93); and storing a knowledge base in the database further comprises storing a knowledge base in the database, wherein the knowledge base further includes a fourth data set identifying a timing for collecting the data identified to complete each of the plurality of different types of business transactions, wherein the timing includes which data points included within the data identified for collection are to be collected before other data points included within the data identified for collection (para.7-8, 10-11, 35-40 and 90-93). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Vargas within Hall for the motivation of ensuring that all tasks are completed in a timely and efficient manner.

Response to Arguments

Applicant's arguments with respect to claims 1- 2, 4-12,14- 15, 17-48, 50-55 and 62-65 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/

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Primary Examiner, Art Unit 3691